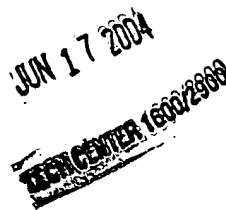




IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Abecassis et al
Application No. : 09/901,240
Filed : 07/09/2001
Titled : Area-Based Resource Collection In A Real-Time Strategy Game

Group Art Unit : 3754
Examiner : Frederick C. Nicolas



APPELLANTS' BRIEF

June 9, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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TECHNOLOGY CENTER R3700

Sir:

This appeal brief is submitted to the Honorable Board of Patent Appeals and Interferences in support of an appeal from the final action dated 02/10/2004 ("Final Action") rejecting claims 1-11. The requisite fee for submitting this appeal brief is enclosed.

The Notice of Appeal from the Decision of the Examiner to the Board of Patent Appeals and Interferences and requisite fee are contemporaneously submitted. A one month extension of time petition and fee are also enclosed. The application is on behalf of a small entity.

(1) Real Party In Interest.

Applicants ("Appellants") are the real parties in interest.

(2) Related Appeals And Interferences.

There are no appeals or interferences known to appellants which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

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(3) Status Of Claims.

The instant application is a continuation of Serial Number 09/901,240 filed 07/09/2001 comprising claims 1-20.

Responsive to a first Office Action mailed 09/20/2000, claims 1-20 were amended by an

Amendment And Response To First Office Action dated 02/18/2003.

Responsive to a Final Action mailed 04/24/2003, each of the independent claims (1, 12, and 17) were amended, and also dependent claims 3-9, and 18 were amended by the Reply To Final Action filed 07/21/2003.

An Advisory Action mailed 07/29/2003 indicated that the proposed amendment after final would not be entered.

A Request For Continued Examination was filed 08/27/2003 comprising an amendment to each of the independent claims (1, 12, and 17) and to dependent claims 2-11, 13-15, and 18-19.

An Office Action mailed 10/01/2003 rejected claims 1-11 and allowed claims 12-20.

A reply to the Office Action mailed 10/01/2003, did not amend the rejected claims.

A Final Action mailed 02/10/2004, rejected claims 1-11 and allowed claims 12-20.

Accordingly claims 1-11 are appealed from the Examiner to the Board of Patent Appeals and Interferences.

(4) Status of Amendments.

No amendments have been filed subsequent to the final rejection.

(5) Summary of Invention.

The specification teaches with respect to a real-time strategy ("RTS") computer software game that:

"Area-based resource collection enables a player to define an area of influence within a map from which the player may collect resources. The definitions of these areas of influence for a given player may be responsive, directly or indirectly, to that player's decisions, actions, orders, and interactions with other players." [Page 6, lines 1-4.]

As is illustrated in Figures 1-3

"In a preferred RTS game embodiment, the game is set in a high-technology universe in which resources are collected primarily through the use of reactors. By building a basic reactor, a player defines an area of influence surrounding the reactor. That is, the actual area of influence and the resulting resource collection potential are dynamically defined in response to a player's action." [Page 8, lines 15-19.]

"Reactors are made available in several different forms, such as basic, directional, focused, and/or mobile. Basic reactors would be the most simple, having a medium sized circular area of influence centered on the reactor. Directional reactors would have areas of influence in the shape of ellipses not centered on the reactor, so that the player could reach areas not otherwise possible by orienting the reactor toward the desired area. Focused reactors might have a smaller base area but have a bonus to

the rate of resources extracted or be able to project their areas of influence to alternate locations. Mobile reactors would be closer in function to units than structures and be able to relocate themselves and thus their area of influence as the player sees fit. "[Page 8, line 28, to page 9, line 5.]

A comparison of Figures 1 and 2 shows that areas of influence are not pre-drawn, (i.e., do not exist, are not defined), in advance of a player's actions. Figures 1 and 2 illustrate that the areas are generated directly in response to an action of a player playing the game.

"FIG. 2 is a diagram of a game in progress implementing an area-based resource collection illustrating the impact of the actions of a second player. The two players will be referred to as "the light player" whose reactors 111-113 were previously discussed with respect to FIG. 1 and are similarly shown in FIG. 2; and "the dark player" who constructed a reactor 131, defining an area of influence 141 in resource patch 101, and two basic reactors 132 and 133 in the neighboring resource patch 102. These two reactors generate an overlapping areas of influence 142 and 143 for the dark player." [Page 11, line 27, to page 12, line 2.]

It should be appreciated that in this example, the second player has placed a reactor 131 in order to generate an area 141 that overlaps only a portion of a resource area 101, the overlapped portion defining a potential resource collection area for the second player. The generated area 141 also overlaps areas 121, 122, 123 previously generated by the first player.

The specification also provides detailed examples of how commercially available games such as "Total Annihilation" (TA) could be modified to benefit from the advantages of the claimed invention:

"According to the area-based resource methods, TA could be enhanced, for example, as follows. Substitute the existing structures which produce energy by power field generators (PFG). A PFG structure, when produced, would generate an area of influence about itself in a given radius. If no other PFGs are attempting to influence this area, then the PFG produces energy based on the total area under it's influence. If the areas controlled by PFGs overlap, then their energy production is reduced responsive to formulas analogous to that of a gravity model." [Page 16, lines 23-29.]

(6) Issues.

Whether claims 1-11 are properly rejected under 35 U.S.C. 102(b) as being anticipated by Cordry et al. U.S. patent 4,687,206 ("Cordry").

(7) Grouping of Claims.

It is believed that each of the claims define the invention with a different degree of specificity and with a different degree of structural or methodological implementation, and that the claims do not stand or fall together. Following the general arguments, attention will be drawn to the limitations that are believed to render the claims separately patentable.

(8) Argument.

(A) Claim 1 is patentable under 35 U.S.C. § 102(b) over Cordry.

Appealed claim 1 calls for:

A method of playing a game, the method comprising the steps of: generating, in direct response to an action of a player playing a game, a first area overlapping only a portion of a resource area, the overlapping portion defining a resource collection area; and enabling an acquisition of resources from the resource collection area.

As above discussed, appellants' Figures 1-3 clearly show that the areas 121, 122, 123, 141, 142, 143, 312, and 316, for example, were neither present, defined, created, nor generated prior to "an action of a player playing a game". Areas 121, 122, 123, 141, 142, 143, 312, and 316, are generated "in direct response to an action of a player playing a game".

The Figures and the detailed description also show a generated area, e.g., 142 Figure 2, overlapping a portion of a resource area 102. The set of Figures 1 and 2, and Figure 3, also clearly illustrate the dynamic manner in which areas are generated, overlap, and functionally interact as the game progresses. For example, "These two reactors generate an overlapping areas of influence 142 and 143 for the dark player." [Page 12, lines 1-2.]

The Final Action asserts that Cordry:

"discloses a method of playing a game (col. 1, II. 5-11) and as seen in Figure 1, which comprises the steps of generating, in direct response to an action of a player playing a game, a first area (8) overlapping only a portion of a resource area (col. 4, II. 16-39) and (col. 7. II. 49-68 onto col. 8, II. 1-12), the overlapping portion defining a resource collection area, and enabling an acquisition of resources from the resource collection area (col. 9, II. 35-65)."

Cordry at column 1, lines 5-11 recites that the invention relates to "board games" and "attacks between territories on a map". In Cordry the board game is of conventional manufacturing characteristics comprising the printing of an image. Other than by damage to the board, the image is not, cannot be, and is not intended to be, altered by the playing of the game. As will be detailed below, the conventional board game of Cordry does not anticipate the limitations of claim 1, and lacks the functional and methodological capability necessary to describe or even suggest the claimed limitations.

Cordry shows that item (8) is a number on a "world power structure table 16" preprinted on the board and indicating that the world power structure is made up of eight areas, and that one of

the areas, North America, consists of (8) territories.

“Game board 10 has a central map portion 12 with a surrounding border 14. Various play action indicia are printed on the playing board, forming a part of border 14, said play action indicia including a world power structure table 16,” [Col.

Cordry’s column 4, lines 16-39 describes that “each territory has a primary asset”, and lists the primary asset associated with each of the territories in North America.

Cordry’s column 7, lines 49-68, onto column 8, lines 1-12 only shows the method for distributing territories to players. “All players are allowed to place a playing piece 44, representing one conventional force or army, on each of the territories represented by the cards received.” [Column 7, line 67, to column 8, line 1.] Cordry recites that “the active playing pieces are placeable and movable, individually and in combination, on the game board for indicating respective control of the territories on the map”. [Column 2, lines 35-38.] Obviously, the movement of the pieces do not change the printed image on the board. In Cordry an action of a player playing the game cannot and does define, create, or generate the areas, and/or the territorial subdivisions.

Cordry at column 9, lines 35-65 describes the “Attack Mode” and clearly indicates that “Once the forces on the attacked territory are totally removed, the territory then comes under the control of the attacking player” [Column 9, lines 52-11.] Contrary to the Office Action’s assertion, the concept of an area overlapping only a portion of a resource area is absent in Cordry. The cited column 9, lines 35-65, of Cordry does not describe, anticipate, or render obvious “*the overlapping portion defining a resource collection area*” limitation.

Thus, contrary to the Office Action’s assertion, Cordry’s item (8) (North America’s territories), Cordry’s column 4, lines 16-39 (each territory has a primary asset)”, and Cordry’s column 7, lines 49-68, onto column 8, lines 1-12 (method for distributing territories to players) do not describe, anticipate, or render obvious the “*generating, in direct response to an action of a player playing a game, a first area*” limitation of claim 1. The fact is that Cordry graphically and explicitly teaches away from “*generating, in direct response to an action of a player playing a game, a first area*” as is being claimed and shown in appellants’ Figures 1-3.

The Final Action acknowledges that Cordry only distributes territories to players. Territories with boundaries and areas that are preprinted (predefined) and thus known to the players prior to the playing of the board game. Thus, the Final Action rejection of claim 1 rests on

the concocted, contorted, and erroneous assertion that “the method of distributing territories to the players as disclosed by Cordry ... is the generating aspect of creating one or more territories/area to the players.”

Nothing in Webster’s Encyclopedic Unabridged Dictionary of the English Language, New Deluxe Edition, (“Webster’s Dictionary”) suggests that the term “distributing” is synonymous with, or anticipates the meaning of the terms “defining”, “generating” and/or “creating”. Appellant’s prior communication asserted that Webster’s Dictionary does not provide a definition for the term “*generating*” and for the term “*overlapping*” that supports the Office Action rejection of claim 1 as being anticipated by Cordry. The Final Action did not reply to the appellant’s question as to “what applicable definition for the term “*generating*” and for the term “*overlapping*” does the Office Action rely upon for its rejection? The Final Action’s assertion that “distributing territories ... is the generating aspect of creating one or more territories/area to the players” denies the terms of the claim their commonly accepted meaning.

The Final Action states that “Cordry et al. explicitly show in Figure 2, how territory (Congo Basin overlaps a resource area (34). Applicant should further note that such area constitutes a volume as seen in FIG 2.”

Cordry does not teach that item (34) is an area much less a volume. Cordry explicitly teaches and illustrates that item (34) is an “asset indicia” of a territory.

“Each territory in FIGS. 1-5 has an asset indicia 34 indicated thereon in the form of a triangle enclosing one of the letters P, R or T as an abbreviation for population, resources of technology, respectively. These asset indicia indicate that each territory has a primary asset, and combinations of these assets are utilized in determining military capability and types of weapons available as hereinafter described.” [Column 4, lines 16-23.]

“Each territory card 74 also has asset indicia 78 thereon corresponding to the respective asset indicia 34 on central map portion 12 of game board 10.” [Column 7, lines 36-37.]

Even with the Final Action’s strained interpretation that asset indicia 34 is an area, Cordry still fails to anticipate “*generating ... a first area overlapping only a portion of a resource area, the overlapping portion defining a resource collection area*”, as claim 1 calls for. How does the Congo Basin territory overlap only a portion of the asset indicia? The Final Action’s concocted and contorted reading of Cordry completely ignores the functional interactions of the limitation of claim 1.

Referring to appellants’ Figure 2, claim 1 calls for at least three distinct area types:

“generating, in direct response to an action of a player playing a game, a first area [1] (123) overlapping only a portion of a resource area [2] (101), the overlapping portion defining a resource collection area [3] (the portion of 123 overlapping 101); and enabling an acquisition of resources from the resource collection area. Cordry does not describe, anticipate, or render obvious each of the three distinct area types and/or their functional synergistic interaction.

The Final Action has failed to respond to appellant’s assertion that:

The dynamic real time characteristics of the resource collection methods of the invention enable new principles of operation that offer conceptual advantages over prior art methods. For example:

“Area-based resource collection methods enable affecting resource collection by the overlapping of controlled areas. The overlapping of a player’s areas of influence results in diminishing marginal returns. The overlapping a two player’s controlled areas results in the sharing of either resource production in the common area, a splitting of the common area into two separately controlled zones, a cancellation of resource production in the contested zone, or simultaneous ownership by both sides. This allows for extremely varied and dynamic rules that may be applied to resource collection and production.” [Specification page 6, line 30, to page 7, line 6.]

The subject matter claimed produces results, solves problems, offers advantages that are neither anticipated nor rendered obvious by Cordry.

For these reasons, appellants traverse the rejection of claim 1, and respectfully submit that the rejection of claim 1 under 35 U.S.C. § 102(b) as being anticipated by Cordry is unwarranted and should be reversed.

(B) Claim 2 is patentable under 35 U.S.C. § 102(b) over Cordry.

In the context of claim 1 appealed dependent claim 2 calls for:

*A method of playing a game, the method comprising the steps of:
generating, in direct response to an action of a player playing a game, a first area (a volume) overlapping only a portion of a resource area, the overlapping portion defining a resource collection area; and enabling an acquisition of resources from the resource collection area.*

The Final Action states that “Cordry et al. explicitly show in Figure 2, how territory (Congo Basin overlaps a resource area (34). Applicant should further note that such area constitutes a volume as seen in FIG 2.”

Cordry does not teach that item (34) is an area much less a volume. Cordry explicitly teaches and illustrates that item (34) is an “asset indicia” of a territory.

“Each territory in FIGS. 1-5 has an asset indicia 34 indicated thereon in the form of a

triangle enclosing one of the letters P, R or T as an abbreviation for population, resources of technology, respectively. These asset indicia indicate that each territory has a primary asset, and combinations of these assets are utilized in determining military capability and types of weapons available as hereinafter described.” [Column 4, lines 16-23, emphasis added.]

Webster’s Dictionary defines a triangle as a “a closed plane figure having three sides and three angles.” Cordry’s “asset indicia 34 indicated thereon in the form of a triangle” neither anticipates nor render obvious a volume. Cordry does not describe the limitation of defining a resource collection area by generating a volume overlapping only a portion of a resource area.

For these reasons and the reasons provided with respect to claim 1, appellants traverse the rejection of dependent claim 2, and respectfully submit that the rejection of claim 2 under 35 U.S.C. §102(b) as being anticipated by Cordry is unwarranted and should be reversed.

(C) Claim 3 is patentable under 35 U.S.C. § 102(b) over Cordry.

Referring to appellants’ Figure 2, in the context of independent claim 1, dependent claim 3 calls for at least four distinct area types: “*generating, in direct response to an action of a player playing a game, a first area [1] (123) overlapping only a portion of a resource area [2] (101), the overlapping portion defining a resource collection area [3] (the portion of 123 overlapping 101); enabling an acquisition of resources from the resource collection area; and generating a second area (141) overlapping at least a portion of the resource collection area [4] (the portion of 123 overlapping 101) .* In this case, resulting in a portion of the second area 141 that overlaps the portion of a first area 123 that overlaps the resource area 101. The addition of this limitation further serves to distinguish over Cordry the dynamic generation and interplay of areas and resource areas.

Contrary to the Office Action assertion, Cordry’s column 4, lines 30-38 as seen in Figure 1, does not anticipate or render obvious dependent claim 3. Column 4, lines 30-38 of Cordry only show territorial subdivisions none of which are overlapping or overlapped. Therefore, since Cordry fails to describe, anticipate, or render obvious any overlapping, there is no overlapping portion defining a resource collection area in Cordry. Since there is no generating of either a first or a second area, nothing is shown that could overlap a resource collection area.

For these reasons and the reasons provided with respect to claim 1, appellants traverse the rejection of dependent claim 3, and respectfully submit that the rejection of claim 3 under 35 U.S.C. §102(b) as being anticipated by Cordry is unwarranted and should be reversed.

(D) Claim 4 is patentable under 35 U.S.C. § 102(b) over Cordry.

Dependent claim 4 adds to the limitations of claim 3, the additional limitation of: *“wherein the first area and the second area differ with respect to a degree of influence over the resources that are available from the overlapping portion of the resource collection area.”*

Contrary to the Final Action assertion, Cordry’s column 4, lines 16-39 as seen in Figure 1, does not anticipate or render obvious dependent claim 4. Column 4, lines 16-39 relate to the “primary assets” associated with each territory. Nothing in the citation or Cordry describes, anticipates or renders obvious the additional limitation of dependent claim 4.

The Final Office Action fails to show where Cordry describes *“A method of playing a game, the method comprising the steps of: generating, in direct response to an action of a player playing a game, a first area overlapping only a portion of a resource area, the overlapping portion defining a resource collection area; enabling an acquisition of resources from the resource collection area; and generating a second area overlapping at least a portion of the resource collection area; and wherein the first area and the second area differ with respect to a degree of influence over the resources that are available from the overlapping portion of the resource collection area”*, as claim 4 calls for.

For these reasons and the reasons provided with respect to claims 1 and 3, appellants traverse the rejection of dependent claim 4, and respectfully submit that the rejection of claim 4 under 35 U.S.C. §102(b) as being anticipated by Cordry is unwarranted and should be reversed.

(E) Claim 5 is patentable under 35 U.S.C. § 102(b) over Cordry.

In the context of claim 1 appealed dependent claim 5 calls for:

A method of playing a game, the method comprising the steps of: generating, in direct response to an action of a player playing a game, a first area overlapping only a portion of a resource area, the overlapping portion defining a resource collection area; enabling an acquisition of resources from the resource collection area; and wherein the resources that are available is further responsive to a means for the acquisition of resources.

The Final Action has failed show how Cordry describes, anticipates, or renders obvious, *“wherein the resources that are available is further responsive to a means for the acquisition of resources”*, as dependent claim 5 calls for?

For these reasons and the reasons provided with respect to claim 1, appellants traverse the rejection of dependent claim 5, and respectfully submit that the rejection of claim 5 under 35

U.S.C. §102(b) as being anticipated by Cordry is unwarranted and should be reversed.

(F) Claim 6 is patentable under 35 U.S.C. § 102(b) over Cordry.

In the context of claim 1 appealed dependent claim 6 calls for:

A method of playing a game, the method comprising the steps of: generating, in direct response to an action of a player playing a game, a first area overlapping only a portion of a resource area, the overlapping portion defining a resource collection area; enabling an acquisition of resources from the resource collection area; and wherein the resources that are available is further responsive to a distance to a means for the acquisition of resources.

The Final Action asserts that: “As to the claimed limitation, ‘wherein the resources that are available is further responsive to a distance to a means for the acquisition of resources’, as disclosed in (col. 6, ll. 23-36) and shown in Figure 2, resources (34, 38, 32) are in different location to each other.” The Final Action does not explain how Cordry’s territories defined as naval bases anticipate that resources, that are available from the resource collection area defined by a first area overlapping only a portion of a resource area, are further responsive to a distance to a means for the acquisition of resources. Cordry’s resources that are in different location to each other do not anticipate the limitations of claim 6.

For these reasons and the reasons provided with respect to claim 1, appellants traverse the rejection of dependent claim 6, and respectfully submit that the rejection of claim 6 under 35 U.S.C. §102(b) as being anticipated by Cordry is unwarranted and should be reversed.

(G) Claim 7 is patentable under 35 U.S.C. § 102(b) over Cordry.

While the Final Action rejected dependent claim 7 under 35 U.S.C. § 102 as being anticipated by Cordry, the Final Action and previous office actions have failed to provide any citation, explanation, reference, or support.

In the context of claim 1, how does Cordry anticipate “*the resources that are available is further responsive to a distance to, and a magnitude of, a means for the acquisition of resources*”, as dependent claim 7 calls for? No such limitation is described, anticipated, or rendered obvious by Cordry.

For these reasons and the reasons provided with respect to claim 1, appellants traverse the rejection of dependent claim 7, and respectfully submit that the rejection of claim 7 under 35 U.S.C. §102(b) as being anticipated by Cordry is unwarranted and should be reversed.

(H) Claim 8 is patentable under 35 U.S.C. § 102(b) over Cordry.

While the Office Action rejected dependent claim 8 under 35 U.S.C. § 102 as being anticipated by Cordry, the Final Action and previous office actions have failed to provide any citation, explanation, reference, or support.

In the context of claim 1, how does Cordry anticipate “*generating a second area overlapping at least a portion of the resource collection area; the overlapping portion having an effect on a rate at which resources are acquired from the overlapping portion of the resource collection area*”, as dependent claim 8 calls for? No such limitation is described, anticipated, or rendered obvious by Cordry.

For these reasons and the reasons provided with respect to claim 1, appellants traverse the rejection of dependent claim 8, and respectfully submit that the rejection of claim 8 under 35 U.S.C. §102(b) as being anticipated by Cordry is unwarranted and should be reversed.

(I) Claim 9 is patentable under 35 U.S.C. § 102(b) over Cordry.

While the Office Action rejected dependent claim 9 under 35 U.S.C. § 102 as being anticipated by Cordry, the Final Action and previous office actions have failed to provide any citation, explanation, reference, or support.

In the context of claim 1, how does Cordry anticipate “*generating a second area overlapping at least a portion of the resource collection area and having an effect on a total quantity of resources that acquired from the overlapping portion of the resource collection area*”, as dependent claim 9 calls for? No such limitation is described, anticipated, or rendered obvious by Cordry.

For these reasons and the reasons provided with respect to claim 1, appellants traverse the rejection of dependent claim 9, and respectfully submit that the rejection of claim 9 under 35 U.S.C. §102(b) as being anticipated by Cordry is unwarranted and should be reversed.

(J) Claim 10 is patentable under 35 U.S.C. § 102(b) over Cordry.

While the Office Action rejected dependent claim 10 under 35 U.S.C. § 102 as being anticipated by Cordry, the Final Action and previous office actions have failed to provide any citation, explanation, reference, or support.

In the context of claim 1, how does Cordry anticipate “*wherein the first area covers at least a portion of one of a plurality of resource areas having different densities of resources*”, as dependent claim 10 calls for? No such limitation is described, anticipated, or rendered obvious by Cordry.

For these reasons and the reasons provided with respect to claim 1, appellants traverse the rejection of dependent claim 10, and respectfully submit that the rejection of claim 10 under 35 U.S.C. §102(b) as being anticipated by Cordry is unwarranted and should be reversed.

(K) Claim 11 is patentable under 35 U.S.C. § 102(b) over Cordry.

While the Office Action rejected dependent claim 11 under 35 U.S.C. § 102 as being anticipated by Cordry, the Final Action and previous office actions have failed to provide any citation, explanation, reference, or support.

In the context of claim 1, how does Cordry anticipate “*wherein the first area covers at least a portion of one of a plurality of resource areas having qualitatively different resources*”, as dependent claim 11 calls for? No such limitation is described, anticipated, or rendered obvious by Cordry.

For these reasons and the reasons provided with respect to claim 1, appellants traverse the rejection of dependent claim 11, and respectfully submit that the rejection of claim 11 under 35 U.S.C. §102(b) as being anticipated by Cordry is unwarranted and should be reversed.

Conclusion

As in the case of claims 12-20, each of the rejected claims 1-11 also recite useful, novel, nonobvious, and enabled inventions, clearly described in appellants specification, and that offer advantages not anticipated or rendered obvious by Cordry. It is respectfully submitted to the Honorable Board that the rejection of any one of the outstanding claims under 35 U.S.C. § 102(b) as being anticipated by Cordry is unwarranted and should be reversed.

By the above reply, appellants have attempted to diligently respond to each of the principal issues raised by the Final Action. If a particular assertion or remark in the Final Action is deemed not to be directly or indirectly addressed, it should not be interpreted as indicating agreement with such an assertion or remark. For purposes of presentation, the remarks have been provided in as simple a manner as possible, and do not embody the richness or breadth of the specification of the present inventions.

The section (9) Appendix, consisting of a copy of the outstanding claims, follows further below beginning on a new page.

Respectfully submitted,



David H. Abecassis

Appellant

Phone: 561-470-1181

June 9, 2004

CERTIFICATE OF MAILING

Express Mail Label # **EU198169315US**; Deposited: **06/09/2004**

I hereby certify that this Appeal Brief (in triplicate) and fee are being deposited with the United States Postal Service using "Express Mail Post Office To Addressee" service on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450



David H. Abecassis

Appellant

(9) Appendix.

1. (Previously amended) A method of playing a game, the method comprising the steps of:
generating, in direct response to an action of a player playing a game, a first area
overlapping only a portion of a resource area, the overlapping portion defining a resource
collection area; and
enabling an acquisition of resources from the resource collection area.
2. (Previously amended) The method of claim 1, wherein the first area is a volume.
3. (Previously amended) The method of claim 1, further comprising the step of generating
a second area overlapping at least a portion of the resource collection area.
4. (Previously amended) The method of claim 1, further comprising the step of generating
a second area overlapping at least a portion of the resource collection area; and wherein the first
area and the second area differ with respect to a degree of influence over the resources that are
available from the overlapping portion of the resource collection area.
5. (Previously amended) The method of claim 1, wherein the resources that are available is
further responsive to a means for the acquisition of resources.
6. (Previously amended) The method of claim 1, wherein the resources that are available is
further responsive to a distance to a means for the acquisition of resources.
7. (Previously amended) The method of claim 1, wherein the resources that are available is
further responsive to a distance to, and a magnitude of, a means for the acquisition of resources.
8. (Previously amended) The method of claim 1, further comprising the step of generating
a second area overlapping at least a portion of the resource collection area; the overlapping portion
having an effect on a rate at which resources are acquired from the overlapping portion of the
resource collection area.

9. (Previously amended) The method of claim 1, further comprising the step of generating a second area overlapping at least a portion of the resource collection area and having an effect on a total quantity of resources that acquired from the overlapping portion of the resource collection area.

10. (Previously amended) The method of claim 1, wherein the first area covers at least a portion of one of a plurality of resource areas having different densities of resources.

11. (Previously amended) The method of claim 1, wherein the first area covers at least a portion of one of a plurality of resource areas having qualitatively different resources.

12. (Allowed) A method of playing a game, the method comprising the steps of:
generating, in direct response to an action of a player playing a game, a first area comprising resources that are available;

generating a second area overlapping at least a first portion of the first area;
impacting an acquisition of resources from the first portion of the first area being overlapped by the second area; and

enabling an acquisition of resources from a second portion of the first area not being overlapped by the second area.

13. (Allowed) The method of claim 12, wherein the impacting of an acquisition of resources reduces a rate that resources are acquired from the first portion of the first area being overlapped by the second area.

14. (Allowed) The method of claim 12, wherein the impacting of an acquisition of resources prevents the acquisition of resources from the first portion of the first area being overlapped by the second area.

15. (Allowed) The method of claim 12, wherein the impacting of an acquisition of resources is responsive to a comparison of a means utilized to generate the first area to a means utilized to generate the second area.

16. (Allowed) The method of claim 12, wherein the impacting of an acquisition of resources is responsive to a comparison of a capability to acquire resources from the first area to a capability to acquire resources from the second area.

17. (Allowed) A method of playing a game, the method comprising the steps of:
generating, in direct response to an action of a player playing of a game, a first area overlapping at least a portion of one of a plurality of resource areas, the overlapping portion defining a resource collection area;
generating a second area overlapping at least a first portion of the resource collection area;
impacting an acquisition of resources from the first portion of the resource collection area being overlapped by the second area; and
enabling an acquisition of resources from a second portion of the resource collection area not being overlapped by the second area.

18. (Allowed) The method of claim 17, wherein the impacting of an acquisition of resources reduces a rate that resources are acquired from the portion of the resource collection area being overlapped by the second area.

19. (Allowed) The method of claim 17, wherein the impacting of an acquisition of resources prevents the acquisition of resources from the first portion of the resource collection area being overlapped by the second area.

20. (Allowed) The method of claim 17, wherein the impacting of an acquisition of resources is responsive to a comparison of a capability to acquire resources from the first area to a capability to acquire resources from the second area. –